

**NOTICE OF PUBLIC HEARINGS for the
EVERGREEN-EAST HILLS DEVELOPMENT POLICY**

A proposed update to the Evergreen-East Hills Development Policy, Traffic Impact Fee, and other related items listed below, will be considered on the following dates:

Planning Commission Hearing: Wednesday, December 3, 2008 at 6:30 p.m.

City Council Hearing: Tuesday, December 16, 2008 at 7:00 p.m.

Location of Hearings: City of San José, City Hall, 200 E. Santa Clara Street, City Council Chambers.

Final Supplemental EIR. The Planning Commission will hold a Public Hearing on **Wednesday, December 3, 2008 at 6:30 p.m.**, to certify that the Final Supplemental Environmental Impact Report (SEIR) prepared for the project identified below (items #1-3) has been completed in compliance with the California Environmental Quality Act (CEQA). This Public Hearing will be held in accordance with Title 21 of the San José Municipal Code. **File No.: PP08-121** Council Districts: 5, 7 and 8.

The Final Supplemental Environmental Impact Report, including the City's responses to comments received during the Public Review Period (August 29, 2008 to October 14, 2008), is available for review beginning **November 21, 2008**, on Monday, Wednesday, and Friday from 9:00 a.m. to 5:00 p.m., and on Tuesday and Thursday from 10:00 a.m. to 5:00 p.m. at the Department of Planning, Building and Code Enforcement, Third Floor, 200 East Santa Clara Street, San José and on the Internet at <http://www.sanjoseca.gov/planning/eir/eir.asp>. The Planning Commission's certification of the Final SEIR may be appealed to the City Council in writing by any person prior to 5:00 p.m. on **Monday, December 8, 2008**. Such appeal shall be filed on the appropriate form and accompanied by filing fees at the Department of Planning, Building and Code Enforcement and shall include a statement specifying the basis of the appeal. In the event of an appeal of the Planning Commission's certification, the City Council will consider certification of the Final SEIR at the earliest possible date, following additional public notice in accordance with Title 21.

Consideration of the SEIR would occur prior on a hearing's agenda than consideration of the proposed Evergreen-East Hills Development Policy and associated items (items #1-3 below). It should be noted that the certification of a Final SEIR does not constitute approval of the project for which it was prepared. The decision to approve or deny the project will be made separately as required by City Ordinance. Comments and questions regarding the SEIR are welcome and should be referred to **Dipa Chundur** of the Department of Planning, Building and Code Enforcement (408) 535-7688 or Dipa.Chundur@sanjoseca.gov.

Evergreen-East Hills Development Policy and Traffic Impact Fee. The Planning Commission on **Wednesday, December 3, 2008** will provide recommendations and the City Council on **Tuesday, December 16, 2008** will make the final decision concerning the following items:

1. Adoption of a resolution updating to the Evergreen-East Hills Development Policy to:
 - a. authorize up to an additional 500 residential units, 500,000 square feet of commercial development, and 75,000 square feet of office development in the development policy area; and
 - b. authorize a decreased level of service at the four following intersections:
 - (1) Capitol Expressway and Nieman Blvd,
 - (2) San Felipe Rd and Yerba Buena Ave-North

To arrange an accommodation under the Americans With Disabilities Act to participate in this public meeting, please call (408) 294-9337 (VOICE) or (408) 535-3500 at least 48 hours before the meeting. Comments and questions regarding the EEHDP project are welcome and should be referred to Reena Mathew of the Department of Planning, Building and Code Enforcement at (408) 535-3555, via e-mail: reena.mathew@sanjoseca.gov.

If you choose to challenge this land use decision in court, you may be limited to only those issues that you or someone else raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing. Reports including staff reports and recommendations are available a week before the public hearing. Additionally, a public packet will be available for review at the public hearing.

- (3) San Felipe Rd and Delta Rd, and
- (4) Evergreen Commons and Tully Road;
2. Accept the traffic impact study and associated transportation improvements;
3. Adoption of an ordinance establishing the Evergreen-East Hills Traffic Impact Fee;

In the event of an appeal of the certification of the Final SEIR, the proposed Evergreen-East Hills Development Policy will be heard by the City Council at the earliest possible date in accordance with Title 21. Consideration of any appeal of the SEIR would occur prior on a hearing's agenda than consideration of the proposed Evergreen-East Hills Development Policy and associated items (items #1-3 above).

The Evergreen-East Hills Development Policy area is generally defined as the land within San Jose's Urban Service Area Boundary, south of Story Road, east of U.S. Highway 101, and the area generally north of the intersection of U.S. Highway 101 and Hellyer Avenue, where the northern boundary of the Edenvale Development Policy Area ends.

Additional information on the project, including more detailed information on the proposed Evergreen-East Hills Development Policy, is available at <http://www.sanjoseca.gov/planning/evergreen> or by contacting the Project Manager, **Reena Mathew**, at (408) 535-7844 or by e-mail: reena.mathew@sanjoseca.gov. Documents for this project are also available for review (MWF: 9a.m. to 5p.m.; TTh: 10a.m. to 5p.m.) at the Department of Planning, Building and Code Enforcement, 200 E. Santa Clara Street, San José.

Akemi Samuels
Joseph Horwedel
Director, Planning, Building and Code Enforcement

Date

11/13/08